IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.10766 of 2000

Dated: 13-06-2007

Between:

Moramreddy Chinna Narsa Reddy @ M. Narsa Reddy,
s/o M. Rami Reddy.

... Petitioner

and

1. The Collector,
   Cuddapah District,
   Cuddapah and another.

... Respondents

ORDER:

Petitioner states that his land and house were acquired by the Special Deputy Collector (Land Acquisition), under Somasila project submerged area, in the year 1982 and an amount of Rs.53,907/- towards compensation was also paid to him. At the time of payment of compensation, the Special Deputy Collector issued a certificate, dated 31-05-1982 stating that as per the Assignment Rules, he may be allotted alternate land. He further states that after the aforesaid acquisition,

he occupied an extent of Ac.0-01 cent in Madakalavaripalli village, Gopavaraam Mandal, Kadapa District, raised a thatched shed and is living in the said house peacefully and the Gram Panchayat also assessed it and assigned H.No.12/50-1 to the said house. He has given several representations to the authorities particularly to the second
respondent – Mandal Revenue Officer to regularize the said occupation. However, to his surprise, second respondent served a notice, dated
16-06-2000 stating that he is an encroacher and as such he has to vacate the said land, otherwise action will be initiated. The said notice is impugned in this writ petition.

2. A detailed counter affidavit is filed wherein it is stated that the land in question is a Government land and thus it necessitated the Mandal Revenue Officer to issue a notice under Section 7 of the Land Encroachment Act, 1905 and instead of giving a reply to the said notice, petitioner approached this Court and filed the present writ petition.

3. Having heard both the learned Counsel, this Court is of the view that it is a mere notice directing the petitioner to vacate the premises in question, for which petitioner can as well offer his explanation. However, in haste, he approached this Court and filed the present writ petition. Hence, this Court is of the view that the writ petition can be disposed of with a direction to the petitioner to offer his explanation to the impugned notice and the Mandal Revenue Officer is hereby directed to consider the same and pass appropriate orders. The petitioner can as well bring it to the notice of the Mandal Revenue Officer the fact about the submergence of his land and house and the

representations given by him for regularization of the site in question.

4. Accordingly, the writ petition is disposed of. No costs.

_____

JUSTICE GOPALAKRISHNA TAMADA

Dt.13-06-2007
GLV